

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19665 of 2017.
Decided on:-24.07.2017.

Ajaib Singh and another

.....Petitioners.

Versus

The State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ram Kumar Saini, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.136 dated 27.10.2016 under Sections 332, 353, 506, 186 and 34 IPC registered at Police Station Shahzadpur, District Ambala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.05.2017 (Annexure P-2).

This Court vide order dated May 30, 2017 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise on 04.07.2017 and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Naraingarh and got their statements recorded. On the basis of the statements so recorded by the parties, learned

Magistrate has submitted the report dated 14.07.2017 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners states that though the complainant in the present case is a public servant, but in the light of judgment rendered by the Division Bench of this Court in **CRM-M-31765-2012** titled as **Vinod @ Boda and others Versus State of Haryana and another**, decided on 01.05.2013, wherein FIR registered under Sections 148, 149, 332, 353, 186, 506 of IPC was quashed on the basis of compromise, the FIR in the present petition can also be quashed.

On the other hand, learned State counsel, on instructions from ASI Gian Chand, states that since the accused had obstructed the complainant from discharging her official duty, the FIR in question cannot be quashed. However, the factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Santosh Rani has been recorded by learned Magistrate on 07.07.2017. In her statement, the complainant has specifically stated that the matter has been compromised with the accused and she has compromised the dispute without any pressure and with her own will. The compromise dated 23.05.2017 (Annexure P-2) also reveals that the same has not only been signed by complainant Santosh

Rani, rather, her husband Ram Pal is also signatory of the same as a witness. Moreover, the offence as referred in the FIR is not so grave that the FIR cannot be quashed on the basis of compromise between the parties.

Hon'ble Division Bench of this Court in **Vinod @ Boda and others' case (supra)** has observed as under:

“In the present case, merely because the complainant was working as a teacher and injuries were caused to him while he was on duty at School, learned Single Judge has treated it to be a case of an offence against the 'society' observing that public servant has been prohibited from performing his duties, the proceedings cannot be quashed. Whereas, in the facts and circumstances of the case, the dispute was prima facie between the parties in their individual and private capacity. Therefore, even on merit, the present is a fit case where the ends of justice demand quashing of proceedings as the dispute has been settled amicably and this would bring harmony between the parties.

Moreover, in this case, the parties have already appeared before the Trial Court and the Trial Court has authenticated the compromise on the basis of the statements of the parties made before it.

For the reasons stated above, it is held that in view of settled law, as discussed above, the powers of High Court under Section 482 CrPC are wide enough, though to be exercised sparingly and judiciously, and this Court can quash criminal proceedings in the peculiar facts of the case even where offence is against public servant.

Consequently, in the facts and circumstances of this case and for the reasons aforesaid, we allow this petition. FIR No.

13, dated 13.10.2010, under Sections 148, 149, 332, 353, 186, 506 of the Indian Penal Code, registered at Police Station Titram, District Kaithal, and all the criminal proceedings arising out of the said FIR stand quashed.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Thus, in view of the observations made by the Division Bench of this Court in ***Vinod @ Boda and others' casse (supra)*** and following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.136 dated 27.10.2016 under Sections 332, 353, 506, 186 and 34 IPC registered at Police Station Shahzadpur, District Ambala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 23.05.2017 (Annexure P-2).

July 24, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No